

REMARKS

This Amendment is submitted in response to the Office Action issued on May 31, 2007. The Office Action rejected Claims 7 and 12 under 35 U.S.C. §112, first paragraph; Claims 3 to 15 under 35 U.S.C. §112, second paragraph; Claims 4, 8, 9 and 14 under 35 U.S.C. §102(b); and Claims 4 to 15 under 35 U.S.C. §103(a). Claims 4, 5, 7, 8, 12 and 13 are amended herein. A Petition for a Three Month Extension of Time is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

The Office Action rejected Claims 7 and 12 under 35 U.S.C. §112, first paragraph, for lack of enablement because the Specification allegedly does not reasonably provide enablement for a hinge having a toothed wheel in combination with female threads at an inner circumference of the hinge. Claims 7 and 12 have been amended for clarification purposes and recite, wherein each of the fixing member hinge and the connection member hinge includes an inner annular surface along an axis of rotation, at least one of said inner annular surfaces having a female thread formed therein, and wherein the hinge pin has a male thread formed in an outer annular surface thereof, the male thread corresponding to the female thread.

Support for these clarifying amendments can be found in the Specification at, for example, page 5, line 10 to page 6, line 5. This portion of the Specification, with reference to Figs. 4A to 4C, discloses that both hinges 43 and 51 have toothed wheels 43a, 51a engaged with each other at their sidewalls so that the detachably-attaching member 40 and the connection member 50 can be pivotally rotated with respect to each other and can be remained strictly at a desired adjusted angle. (See, Specification, pg. 5, lines 14 to 18). Also, although the Specification discloses that a typical straight hinge pin can be used (see, Specification, pg. 5, line 21), it further discloses that the hinges 43, 51 and the hinge pin 61 are structured to be thread-engaged with one another. Specifically, the hinge 51 (as pictured in both Figs. 2 and 4C) has a

female thread adapted to correspond to a male thread on a hinge pin 62. (See, Specification, pg. 5, lines 20 to 25). This restricts the hinge pin 62 from escaping or sliding out of the sunglasses holder. Therefore, the figures and the Specification describe the male-threaded pin and female threaded hinge in combination with the toothed wheels of the hinges to control or restrict movement of the detachably-attaching member 40 with respect to the connection member 50. Therefore, Applicant respectfully submits that the Specification is fully enabling for the combination of female threads and toothed wheels on the hinge. In addition, Applicant has amended independent Claims 4, 5 and dependent Claims 7 and 12, for clarification purposes.

Accordingly, Applicant respectfully requests that the 35 U.S.C. §112, first paragraph rejection of Claims 7 and 12 be withdrawn.

The Office Action rejected Claims 4 to 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

First, The Office Action first objects to an inconsistency between the preambles of independent Claims 4 and 5, and certain elements in the bodies of the claims, thereby making the scope of the claims unclear. Specifically, the Office Action objects to positive recitation of the elements of “item” and “sunglasses.” In response, Applicant has amended the claims to remove the positive recitation of these elements in the body of the claims, and to refer to these elements functionally, as suggested on page 3 of the Office Action.

Second, the Office Action rejects the claims as being “generally narrative and indefinite, failing to conform to current U.S. practice.” (See, Office Action, pg. 4). In response, Applicant has amended certain of the claims to conform with U.S. practice and to provide sufficient antecedent basis for the limitations in the claims, as outlined on page 5 of the Office Action with respect to at least Claims 4, 5, 7 and 12.

Accordingly, Applicant respectfully submits that the amended claims are sufficiently definite and respectfully requests that the 35 U.S.C. §112, second paragraph rejection of Claims 4 to 15 be withdrawn.

In the Office Action, Claims 4, 8, 9 and 14 are rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,720,040 to Simone (“Simone”). Of the rejected claims, Claim 4 is the sole independent claim. Claim 4 has been amended to recite, at least in part, a sunglasses holder which is suitable for coupling a pair of sunglasses to an item worn on a head of a wearer. The sunglasses holder includes: (a) a fixing member for attachment to the item; b) a connection member for attachment to the sunglasses; and c) hinges formed respectively in the fixing member and the connection member, each of the hinges having an axis of rotation and including at least one sidewall *perpendicular to the axis of rotation, the sidewalls each having a toothed wheel formed therein*, the hinges being rotatably coupled to each other by a hinge pin insertable through the hinges, and *the toothed wheel of the fixing member hinge engaged with the toothed wheel of the connection member hinge*, thereby enabling an adjustment of angle between the fixing member and the connection member.

Simone generally discloses a device for attaching a pair of spectacles to headgear. Simone disclose a hinge having a male hinge 36 and a female hinge 18. (See, Simone, Fig. 8). The male hinge member includes shoulders 39 which cover the edges of the female hinge member 18. (See, Simone, col. 5, lines 33 to 42). Small notches 13 may be provided on the outer periphery of the female hinge 18 to provide a friction fit. (See, Id.). However, Simone does not disclose each of the hinges having an axis of rotation and including at least one sidewall *perpendicular to the axis of rotation, the sidewalls each having a toothed wheel formed therein*, the hinges being rotatably coupled to each other by a hinge pin *insertable through the hinges*, and *the toothed wheel of the fixing member hinge engaged with the toothed wheel of the*

connection member hinge, as in amended Claim 4. Accordingly, Simone fails to disclose each of the elements of amended Claim 4, and Claims 8, 9 and 14 that depend therefrom.

Accordingly, Applicant respectfully requests that the 35 U.S.C. §102(b) rejection of Claims 4, 8, 9 and 14 be withdrawn.

In the Office Action, 4, 5, 8, 9, 10 and 13 to 15 are rejected, under 35 U.S.C. §103(a) as being unpatentable over Korean Patent No. 1020020066148 to Ko (“Ko”), in view of U.S. Patent Publication No. 2001/0023518 to Okeke et al. (“Okeke”). Of the rejected claims, Claims 4 and 5 are the sole independent claims. Claim 4 has been amended as discussed above. In addition, Claim 5 has been amended to recite, at least in part, a sunglasses holder that includes: a) a fixing member including a body defining an interior space, the body including at least a first wall and a second wall each having a hole formed therein, a resilient piece coupled to each of the first wall and the second wall and having a button projected through the respective holes, and a fixing means for attachment of the body of the fixing member to the item; b) a detachably-attaching member inserted into the interior space of the fixing member to be coupled with the fixing member, the detachably-attaching member having a resilient hook formed such that it can be released from the fixing member by pressurizing the resilient piece; c) a connection member for attaching to the sunglasses; and d) *hinges formed respectively in the detachably-attaching member and the connection member, each of the hinges having an axis of rotation and including at least one sidewall perpendicular to the axis of rotation, the sidewalls each having a toothed wheel formed therein, the hinges being rotatably coupled to each other by a hinge pin insertable through the hinges, and the toothed wheel of the fixing member hinge engaged with the toothed wheel of the connection member hinge*, thereby enabling an adjustment of angle between the detachably-attaching member and the connection member.

As admitted in the Office Action, Ko fails to disclose hinges connecting a detachably-attaching member and a connection member, much less hinges that include a toothed wheel and a hinge pin. Rather, Ko merely discloses a coupling part 17 (i.e., the generally u-shaped portion) and a connection strip 19 that mounts to the glasses and is fitted into the coupling part 17. Accordingly, the Patent Office relies on Okeke to allegedly remedy the deficiencies of Ko.

Okeke discloses a *molded inseparable assembly* having a first member 54 and a second member 130 that are molded together to create an inseparable unit. (See, Okeke, Figs. 7 and 8). Okeke does not appear to disclose or suggest a pin insertable through the hinges. Rather the cylinder 160 of the second member 130 appears to be molded about another cylinder of the first member 54, where neither of the first member 54 or second members 130 are configured to accommodate a separate pin. Rather, the smaller cylinder of the first member 54 appears to be an integrally molded part of the first member 54. For at least this reason, Okeke fails to cure the deficiencies of Ko.

In addition, Applicant respectfully disagrees that it would be obvious to combine the *molded inseparable assembly* of Okeke with the sunglasses holder of Ko, because it would appear to destroy the intended functionality disclosed in Ko where the connection strip 19 is fitted into to the u-shaped coupling part 17. That is, it appears that the connection strip 19 of Ko is intended to be removed from the u-shaped coupling part 17 for the purpose of changing out the glasses 3. Also, the first member 54 in Okeke is molded about and inseparable from the second member 130. Accordingly, Applicant respectfully submits that it would not be obvious to modify Ko with the molded inseparable assembly in Okeke.

For at least the reasons discussed above, Ko and Okeke fail to render obvious amended Claims 4, 5 and dependents thereof. Accordingly, Applicant respectfully requests the

withdrawal of the 35 U.S.C. §103(a) rejection of Claims 4, 5, 8, 9, 10 and 13 to 15 in view of Ko and Okeke.

In the Office Action, Claims 6 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ko, and in further view of Okeke and U.S. Patent No. 5,361,455 to Kiefer (“Kiefer”). The Office Action relies on Kiefer primarily for the purported teaching of a fixing member including a bolt, and a support plate integrally formed at both sides of the body and having a hole. Accordingly, Kiefer fails to remedy the deficiencies of Ko and Okeke for at least the reasons discussed above, even assuming the Kiefer is properly combinable with Ko and Okeke.

Accordingly, Applicant respectfully requests the withdrawal of the 5 U.S.C. §103(a) rejection of Claims 6 and 11 in view of Ko, Okeke, and Kiefer.

In the Office Action, Claims 7 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ko, and in further view of Okeke and U.S. Patent No. 5,933,919 to Miller et al. (“Miller”). Miller is relied on primarily for the purported disclosure of a hinge having a female thread formed into an inner circumference, and a pin having a male thread on the outer circumference. As mentioned above, Applicant believe that Okeke is not properly combinable with Ko and further fails to disclose a pin that is insertable through the hinges.

Moreover, Applicant further submits that it would not be obvious to combine a threaded pin or bolt 10 as taught in Miller with the molded inseparable assembly of Okeke. (See, Miller, Fig. 1). The threaded bolt 10 in Miller is used to vertically adjust a first portion 1 of a hinge with a second portion 2 of a hinge for the purpose of realigning a door with a door jamb without having to remove the door from the door jamb and without having to cut or plane the door. (See, Miller, col. 1, lines 53 to 60). Because the molded inseparable assembly of Okeke is intended as a single integrally connected assembly where the first member 54 is not vertically adjustable

with respect to the second member 130, it would not be obvious to combine the threaded bolt 10 of Miller with the first and second members 54,130 of Okeke. Moreover, this would destroy the intended functionality of Okeke, because if the first member 54 were to be moved vertically with respect to the second member 130, the teeth 212 of the second member 130 would no longer engage with the teeth 210 of the first member 54. Further, because the hinges in Okeke are a molded inseparable assembly, there is no need incorporate the pin of Miller for "the purpose of providing somewhat fixed positioning," as suggested on page 9 of the Office Action. Therefore, it would not be obvious to combine Ko, Okeke, and Miller in the manner suggested in the Office Action.

Accordingly, Applicant respectfully requests the withdrawal of the 5 U.S.C. §103(a) rejection of Claims 7 and 12 in view of Ko, Okeke, and Miller.

For at least the reasons discussed above, Applicants respectfully submit that the present Claims 4 to 15 are novel, nonobvious and distinguishable from the cited references.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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